

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

OMAHA CONSTRUCTION INDUSTRY)
PENSION FUND, BOARD OF)
TRUSTEES OF THE OMAHA)
CONSTRUCTION PENSION FUND,)
OMAHA CONSTRUCTION HEALTH)
AND WELFARE FUND, and BOARD)
OF TRUSTEES OF THE OMAHA)
CONSTRUCTION INDUSTRY HEALTH)
AND WELFARE FUND,)

Plaintiffs,)

v.)

RUPERT CONSTRUCTION,)

Defendant.)
_____)

8:05CV404

ORDER OF DISMISSAL

The matter before the court is the plaintiffs' unopposed motion to dismiss this case with prejudice, Filing No. 8. The court finds that this matter should be dismissed with prejudice.

IT IS THEREFORE ORDERED that, pursuant to Fed. R. Civ. P. 41(a)(1), the plaintiffs' cause of action against the defendant is hereby dismissed in its entirety, with prejudice, and with the parties to be responsible for their own costs and attorney fees.

DATED this 23rd day of November, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge